

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 2:02-cr-00165-02

ALICIA PRATT,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending before the Court is Defendant's letter-form motion [Docket 101] for post conviction relief under *Booker*. By Standing Order entered on December 28, 2001, and filed in this case on April 13, 2004, this action was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for submission of proposed findings and a recommendation (PF&R). The Magistrate Judge previously submitted her PF&R* [Docket 118] wherein she recommended that the Court deny the motion for post conviction relief.

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir.1989); *United*

* The PF&R also relates to a § 2555 motion filed in *Pratt v. United States*, Civil Action 2:04-cv-353, which was previously resolved in 2005.

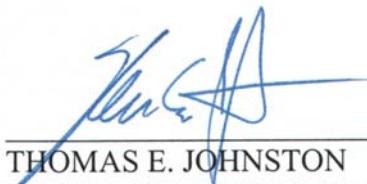
States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections to the PF&R were due by September 13, 2005. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the Magistrate Judge’s recommendation, and **DENIES** Defendant’s motion for post conviction relief [Docket 101].

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to the Defendant and counsel, the United States Attorney, and Magistrate Judge Stanley.

ENTER: January 9, 2009



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE